

REMARKS

Claims 1-32 are currently pending in the captioned patent application, of which Claims 1, 19, 23, 31 and 32 are independent claims.

Claim 18 has been amended to clarify certain minor informalities in claim language. Claims 31 and 32 have been added by the present amendment. Applicants submit that support for these new claims can be found throughout the specification and drawings of the present application.

For at least the following reasons, applicants respectfully request reconsideration of the rejections set forth in the Office Action and allowance of all pending claims.

§102 Rejections

A claim rejection based on anticipation under §102 requires that a single prior art reference disclose each and every element of the claimed invention. *See* MPEP § 2131 (stating that a claim is anticipated only if each and every element as set forth in the claim is disclosed in a single prior art reference). Claims 1-30 stand rejected under 35 U.S.C. §102(b) as being anticipated by a United States patent issued to McCoy et al. (U.S. Pat. No. 5,694,116). For at least the following reasons, applicants submit that McCoy fails to anticipate Claims 1-30, because McCoy does not disclose each and every element recited therein.

For example, Claim 1 recites, among other things, “analyzing said overdraft occurrence in an overdraft application to determine a cause of said overdraft occurrence and a

disposition for said overdraft occurrence in connection with said cause; and generating an overdraft report.” The present application further discloses in paragraph 40:

the ODR 16 performs research to determine the circumstances and reasons surrounding the cause of the overdraft occurrence. The reasons may include a determination that a client error or a financial institution error caused the overdraft occurrence. The observations of the ODR 16 regarding this error are also made accessible in the overdraft application for assessment of chronic overdraft conditions.

As disclosed in the present application, the ODR (overdraft representative) “is responsible for reviewing, researching and documenting the circumstances for a given overdraft occurrence.”

In contrast, McCoy relates to a “data processing apparatus for controlling risk,” or exposure over a series of accounts. McCoy at col. 1, lines 11-13. These accounts can be for a single customer or for a number of customers in an industry. *See* McCoy at col. 3, lines 9-14. Unlike Claim 1, however, McCoy does not teach, disclose or suggest analyzing an overdraft occurrence in sufficient detail to determine the root cause of the overdraft occurrence. McCoy may look at the effects of a financial transaction, but does not analyze the root cause, for example:

If apparently normal sums are withdrawn from many accounts belonging to a customer by the same type of payment system, it may indicate that the individual is involved in embezzlement or some type of fraud. Similarly, if several customers in a single industry request similar transactions at the same time, it might indicate an important industry trend that could affect the bank.

McCoy at col. 2, lines 1-8. Among other elements, McCoy does not teach, disclose or suggest “analyzing said overdraft occurrence in an overdraft application to determine a cause of said overdraft occurrence” as claimed in Claim 1.

In rejecting Claim 1 in view of McCoy, the Examiner stated that “the [McCoy] system performs a warning limit test to determine whether the transaction would cause the total exposure of the relationship to exceed the predetermined warning limit for the relationship, as listed in the relationship profile; system performs a hold routine, notify routine, or alert limit test.” McCoy at col. 7, lines 63-67; col. 8, lines 1-12. However, applicants submit that analyzing an overdraft occurrence “to determine a cause of said overdraft occurrence” is not the equivalent of performing a “warning limit test to determine whether the transaction would cause the total exposure to exceed a predetermined warning limit.” (emphasis added).

For example, dependent Claim 8 recites “entering a disposition code into said overdraft report” and the disposition code may include a “recommendation that an action to be taken in response to said overdraft occurrence.” (see, e.g., Claims 9-12). McCoy does not teach, suggest or disclose such types of recommended actions in connection with a disposition code entered into an overdraft report, wherein the disposition code is derived, at least in part, from “analyzing said overdraft occurrence.”

In addition, the predetermined warning limit of McCoy is not the same as the overdraft occurrence of the present application. The present application discloses in paragraph 28 that “[t]he term ‘overdraft’ as applied herein includes the condition of having a negative financial position such as, for example, a negative checking account balance caused by a request to draw more funds from the account than were available at the time of the request.” As disclosed in the present application, overdraft may mean any instance of a negative financial position, whereas the McCoy system definitively applies only a predetermined warning limit to the exposure related to its accounts.

Claims 1 recites, among other things, “generating an overdraft report.” Claim 19 recites, among other things, “communicating an overdraft report.” In contrast to the “alert” taught by McCoy, the “overdraft report” of the present claims may be much more extensive. McCoy discloses that “the system performs an alert routine 226 to alert the primary relationship officer that the transaction has been denied.” The present application discloses at paragraph 40 that “[t]he observations of the ODR 16 regarding the overdraft occurrence can be entered by the ODR 16 on field 94 of the overdraft report” and that “[i]nformation entered into the overdraft report by the ODR 16 can also be made available for use in reviewing and analyzing chronic overdraft conditions.” McCoy does not teach, disclose or suggest an “overdraft report” as recited in the present claims.

For at least the above reasons, applicants submit that McCoy fails to disclose each and every element of the claimed invention. *See* MPEP § 2131. Applicants therefore submit that Claims 1, 19 and 23 are not anticipated by McCoy. Applicants further submit that Claims 2-18, 20-22 and 24-30 are not anticipated by McCoy by virtue of their dependence from Claims 1, 19 and 23, and on their own merits.

Miscellaneous

Applicants submit that the dependent claims pending herein are allowable at least by virtue of their dependency on independent claims which, as applicants describe above, are patentable over the cited references. Applicants reserve the right, however, to make supplemental arguments as may be necessary, because the dependent claims of the present application include additional features that further distinguish the claims from the cited

Atty. Docket No. 010575

Serial No. 10/033,592

Response to Office Action dated March 2, 2007

references. A detailed discussion of these distinctions is believed to be unnecessary at this time in view of the fundamental distinctions already set forth in the above remarks.

SUMMARY

Based on the foregoing remarks, applicants respectfully request reconsideration and allowance of all pending claims of the present application. Applicants request that the Examiner direct any questions or issues associated with the present response to the undersigned representative by telephone or e-mail, so that such questions or issues can be quickly addressed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael D. Lazzara', is written over a horizontal line.

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